

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEREMY CLARK,

Plaintiff,

v.

J. WATERMANN, *et al.*,

Defendants.

ORDER

Case No. 15-cv-333-bbc

On June 11, 2015, this court entered an order assessing plaintiff a \$138.53 initial partial payment of the filing fee for this case. Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the \$350.00 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income, in accordance with 28 U.S.C. § 1915(b)(2). On June 25, 2015, plaintiff submitted a letter (dkt. #6), which I will construe as a motion for an order directing prison officials to pay the full filing fee from his release account.

The language of 28 U.S.C. § 1915(b)(1) requires prison officials to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). However, with the exception of such initial partial payments, this court does not have the authority to tell state officials whether, and to what extent, a prisoner should be able to withdraw money from a release account. Because plaintiff cannot use release account funds to pay the entire balance of the \$350.00 filing fee, I will deny his motion.

ORDER

IT IS ORDERED that:

1. Plaintiff Jeremy Clark's motion for an order directing prison officials to pay the full filing in this case from his release account (dkt. #8) is DENIED. If plaintiff does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account.

2. Plaintiff may have an enlargement of time, to July 16, 2015, to pay his \$138.53 initial partial payment. If, by July 16, 2015, plaintiff fails to make the initial partial payment or show cause for failure to do so, I will assume that he wishes to withdraw this action voluntarily and the case will be closed without prejudice to plaintiff's refiling it at a later date.

Entered this 26th day of June, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge